

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CHRISTIAN EUSEBIO DELGADO,
#23414-078

VS.

UNITED STATES OF AMERICA

§
§
§
§
§
§

CIVIL ACTION NO. 4:17cv605
CRIMINAL ACTION NO. 4:15cr179(1)

ORDER OF DISMISSAL

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson. The Report and Recommendation of the Magistrate Judge (Dkt. #4), which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Movant filed timely objections.

In his objections, Movant states that he was unaware his appeal was pending, and that he filed the instant § 2255 motion “to bring to light the injustices that [] [Movant] suffered.” Movant states he would like to have a stay placed upon his § 2255 motion so that direct appeal may be pursued. A stay in such case is unreasonable; Movant may refile his § 2255 motion once the Fifth Circuit has made its determination as to his appeal. Therefore, after a *de novo* review of the record, the Court concludes that the findings and conclusions of the Magistrate Judge are correct, and adopts the same as the findings and conclusions of the Court.

It is therefore **ORDERED** that the motion to vacate, set aside or correct sentence is **DISMISSED** without prejudice. All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 19th day of March, 2018.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE